

# **EXHIBIT K**

**Brysacz, Ben (ATG)**

---

**From:** Justin Walsh <justin@gleamlaw.com>  
**Sent:** Tuesday, June 11, 2024 4:20 PM  
**To:** Hyde, Bob (ATG); Brysacz, Ben (ATG)  
**Cc:** Nicole Rash; Neil Juneja; Joe Hylkema; Aliiasov, Emin (ATG); Anderson, Heidi (ATG); Fickes, Aaron (ATG); Hall, Michael K. (ATG); Raven, Elliot (ATG)  
**Subject:** Re: State of Washington v. Landmark Technology A, LLC, et al., 2:21-cv-00728-RSM (W.D. Wash.)

[EXTERNAL]

Thank you, Bob.

First, I also don't think I've seen proposed new dates for Ray/Landmark for NC deposition. I would recommend the Sheraton Raleigh, which has several meeting rooms that would work, but it is also very close to a Naegli location at 555 Fayetteville Street.

With regard to Melody Camp, my understanding is this will likely more frequent breaks. In addition, Mr. Mercado only has one laptop, and in order for him to attend the deposition, would either need to be in the room with her, as well as assisting with technology), or there would need to be some accommodation needed to allow her to attend, as I do not believe she has her own device for attending a video deposition.

With regard to Mr. Day and Mr. Strand, we are fine converting those over to video conference depositions. I would prefer to move Mr. Day if possible to the week of the 8th or 15th (as I am sole caregiver to my son on the 27th and 28th, and do not have alternate care should the deposition run long.

If you provide me dates, I will re-issue accordingly. The provision of documents electronically for the SDT is fine on my end, and if they are able to provide that electronically, I would rather not waste paper on re-doing the SDT portion.

Please respond back with the dates that work, and I will re-note accordingly. I will take a look at the draft stipulation tomorrow.

Justin P. Walsh  
Partner  
gleam law  
[justin@gleamlaw.com](mailto:justin@gleamlaw.com)  
Seattle | Tel: 206.693.2900 ex. 109  
Fax: 206.319.4596  
[www.gleamlaw.com](http://www.gleamlaw.com)

CONFIDENTIALITY NOTICE: This electronic message transmission contains information that may be confidential or privileged. It is intended for the use of the person or organization named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you receive this transmission in error, please delete the message and contact the sender immediately. Thank you.

On June 11, 2024, "Brysacz, Ben (ATG)" <[ben.brysacz@atg.wa.gov](mailto:ben.brysacz@atg.wa.gov)> wrote:

Justin,

I write to address a couple open issues related to upcoming deposition scheduling, and to share a draft stipulation regarding virtual depositions based on the Western District's model stipulation in Appendix C of the Local Rules. A proposed redline of the model stipulation is attached. Since we have the virtual deposition of Melody Camp coming up next Monday, June 17, please let me know as soon as possible if you have any concerns about the stipulation and whether we have approval to file with your signature.

### **I. Melody Camp**

Regarding the deposition of Melody Camp, you indicated you could not accept service for her. Now that she has been personally served, can you clarify whether you will be representing her at the deposition? And in one of your prior emails you indicated she is elderly and Mr. Mercado is her primary caregiver. To that end, are you aware whether her age or condition will pose any limitations for her participating in a Zoom deposition? Information about the court reporter service we intend to use for this deposition will be forthcoming shortly.

### **II. Mr. Day and Mr. Strand**

We note that you have noticed the depositions of our expert witnesses for your office in Seattle. However, FRCP 45(c)(1)(A) requires that depositions of third parties occur within 100 miles of where they reside or work. Mr. Day, a Floridian, would be willing to be deposed in Seattle, should Defendants wish to reimburse him for his travel time and expenses. Otherwise, Mr. Day is available for deposition on June 28, or during the weeks of July 8 or July 15 in Florida. Please let us know a couple of proposed dates for Mr. Day and we will get back to you with a proposed location in Florida. Mr. Strand is not available on June 24. We are still confirming availability for him, and will get back to you with some dates.

Once we confirm dates for the State's experts, we will need you to reissue a subpoena that complies with FRCP 26(b)(4)(C).

### **III. Patrick Ames**

Regarding Patrick Ames, we have not been able to serve him. Thursday's deposition is off calendar. If you plan on calling him at trial, please provide his address so we can serve him.

Best,

Ben

---

**From:** Justin Walsh <[justin@gleamlaw.com](mailto:justin@gleamlaw.com)>  
**Sent:** Tuesday, June 11, 2024 2:21 PM  
**To:** Hyde, Bob (ATG) <[robert.hyde@atg.wa.gov](mailto:robert.hyde@atg.wa.gov)>  
**Cc:** Nicole Rash <[nicole@gleamlaw.com](mailto:nicole@gleamlaw.com)>; Neil Juneja <[neil@gleamlaw.com](mailto:neil@gleamlaw.com)>; Joe Hylkema <[joe@gleamlaw.com](mailto:joe@gleamlaw.com)>; Aliiasov, Emin (ATG) <[Emin.Aliiasov@ATG.WA.GOV](mailto:Emin.Aliiasov@ATG.WA.GOV)>; Anderson, Heidi (ATG) <[heidi.anderson@atg.wa.gov](mailto:heidi.anderson@atg.wa.gov)>; Brysacz, Ben (ATG) <[ben.brysacz@atg.wa.gov](mailto:ben.brysacz@atg.wa.gov)>; Fickes, Aaron (ATG) <[aaron.fickes@atg.wa.gov](mailto:aaron.fickes@atg.wa.gov)>; Hall, Michael K. (ATG) <[michael.hall@atg.wa.gov](mailto:michael.hall@atg.wa.gov)>; Raven, Elliot (ATG) <[elliott.raven@atg.wa.gov](mailto:elliott.raven@atg.wa.gov)>  
**Subject:** State v. LTA - Deposition of Patrick Ames

[EXTERNAL]

All,

Please advise if the deposition of Patrick Ames is going forward (i.e. - have you been able to serve him in time adequate for the deposition). As of now, we have not received information on this video deposition noted for Thursday.

Justin P. Walsh  
Partner  
gleam law  
[justin@gleamlaw.com](mailto:justin@gleamlaw.com)  
Seattle | Tel: 206.693.2900 ex. 109  
Fax: 206.319.4596  
[www.gleamlaw.com](http://www.gleamlaw.com)

CONFIDENTIALITY NOTICE: This electronic message transmission contains information that may be confidential or privileged. It is intended for the use of the person or organization named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution, or use of the contents of this

transmission is prohibited. If you receive this transmission in error, please delete the message and contact the sender immediately. Thank you.

On June 11, 2024, Justin Walsh <[justin@gleamlaw.com](mailto:justin@gleamlaw.com)> wrote:

---

I am not available until after July 7, as I am in Ohio with family. I have no objection to having Mr. Lee's deposition after that date and time and after the discovery cutoff. I will be sending you a separate email re: Mr. Nunally, which will involve potential use of July 8.

Justin P. Walsh  
Partner  
gleam law  
[justin@gleamlaw.com](mailto:justin@gleamlaw.com)  
Seattle | Tel: 206.693.2900 ex. 109  
Fax: 206.319.4596  
[www.gleamlaw.com](http://www.gleamlaw.com)

CONFIDENTIALITY NOTICE: This electronic message transmission contains information that may be confidential or privileged. It is intended for the use of the person or organization named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you receive this transmission in error, please delete the message and contact the sender immediately. Thank you. On June 7, 2024, John Lee <[jlee@banishlaw.com](mailto:jlee@banishlaw.com)> wrote:

---

Mr. Hyde,

Yes, on acceptance of service by e-mail after we have an agreed date for the subpoena and deposition notice.

Have a good weekend,

John

---

On Jun 7, 2024, at 4:30 PM, Hyde, Bob (ATG) <[robert.hyde@atg.wa.gov](mailto:robert.hyde@atg.wa.gov)> wrote:

Mr. Lee,

From the State's perspective, we are happy to accommodate a deposition after July 5 given your preexisting travel schedule. There is no need for a motion unless Mr. Walsh objects to taking your deposition outside of the discovery period. Justin – can you confirm your position on taking this deposition after July 5?

Also, given that we are talking about scheduling, am I correct in assuming that you will accept service of the amended subpoena and deposition notice (for the agreed date, TBD) by email?

Thanks and have a nice weekend,

**Bob Hyde**

Assistant Attorney General

Consumer Protection Division

Washington State Attorney General's Office

800 Fifth Avenue, Suite 2000

Seattle, WA 98104

Office: (206) 233-3392

[bob.hyde@atg.wa.gov](mailto:bob.hyde@atg.wa.gov)

---

**From:** John Lee <[jlee@banishlaw.com](mailto:jlee@banishlaw.com)>

**Sent:** Friday, June 7, 2024 3:18 PM

**To:** Hyde, Bob (ATG) <[robert.hyde@atg.wa.gov](mailto:robert.hyde@atg.wa.gov)>

**Cc:** Justin Walsh - he him Mr <[justin@gleamlaw.com](mailto:justin@gleamlaw.com)>; Nicole Rash <[nicole@gleamlaw.com](mailto:nicole@gleamlaw.com)>; [Neil@gleamlaw.com](mailto:Neil@gleamlaw.com); Joe Hylkema <[joe@gleamlaw.com](mailto:joe@gleamlaw.com)>; Aliiasov, Emin (ATG) <[Emin.Aliiasov@ATG.WA.GOV](mailto:Emin.Aliiasov@ATG.WA.GOV)>; Anderson, Heidi (ATG) <[heidi.anderson@atg.wa.gov](mailto:heidi.anderson@atg.wa.gov)>; Brysacz, Ben (ATG) <[ben.brysacz@atg.wa.gov](mailto:ben.brysacz@atg.wa.gov)>; Fickes, Aaron (ATG) <[aaron.fickes@atg.wa.gov](mailto:aaron.fickes@atg.wa.gov)>; Hall, Michael K. (ATG) <[michael.hall@atg.wa.gov](mailto:michael.hall@atg.wa.gov)>; Raven, Elliot (ATG) <[elliott.raven@atg.wa.gov](mailto:elliott.raven@atg.wa.gov)>

**Subject:** Re: State of Washington v. Landmark Technology A, LLC, et al., 2:21-cv-00728-RSM (W.D. Wash.)

[EXTERNAL]

Mr. Hyde,

I am responding to your e-mail from yesterday. I am unable to respond and or testify until after July 5. I am on vacation and out of town from June 12 - July 5. The trip was planned in April. Please let me know if there is another date, or if I need to file a motion.

John

---

On Jun 6, 2024, at 12:50 PM, Hyde, Bob (ATG) <[robert.hyde@atg.wa.gov](mailto:robert.hyde@atg.wa.gov)> wrote:

Mr. Lee,

Enclosed with this email is a subpoena *duces tecum* and notice of deposition in the case of *State of Washington v. Landmark Technology A, LLC, et al.*, 2:21-cv-00728-RSM (W.D. Wash.). Counsel for defendants (Justin Walsh) is copied on this email. We understand from Mr. Walsh that you have been working on collecting some or all of the requested documents already.

I am writing to ask whether you would accept service of this subpoena via email. If not, I will arrange for process service forthwith.

Although the deposition notice shows our office in Seattle, we intend to take this dep via Zoom or similar platform. Additionally, we have some flexibility on the deposition date if it does not work for you, but please note that our discovery deadline is June 28.

Please let me know by COB tomorrow (Friday June 7) if you can accept service by email.

Thanks,

**Bob Hyde**

Assistant Attorney General

Consumer Protection Division

Washington State Attorney General's Office

800 Fifth Avenue, Suite 2000

Seattle, WA 98104

Office: (206) 233-3392

[bob.hyde@atg.wa.gov](mailto:bob.hyde@atg.wa.gov)

---